

<b>Parish:</b>	<b>Holme next the Sea</b>	
<b>Proposal:</b>	<b>Change of use from agricultural including the demolition of the existing barn and the replacement with five new dwellings</b>	
<b>Location:</b>	<b>Eastgate Barn Eastgate Holme next The Sea Norfolk PE36 6LB</b>	
<b>Applicant:</b>	<b>MILLTHORNE DEVELOPMENTS LTD</b>	
<b>Case No:</b>	<b>22/01884/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Lucy Smith</b>	<b>Date for Determination: 9 January 2023 Extension of Time Expiry Date: 14 April 2023</b>

**Reason for Referral to Planning Committee** – officer recommendation is contrary to the views of the Parish Council.

**Neighbourhood Plan:** Yes

**Case Summary**

This application is for the demolition of the existing agricultural buildings on the site and the subsequent erection of five dwellings arranged as a group of agricultural barns forming a central courtyard with the rear facing private garden spaces on the outer edges of the site.

The site is allocated land for 5 dwellings under Policy HNTS 15: Site Allocation at Eastgate Barn of the Holme-next-the-Sea Neighbourhood Plan. The policy sets out the criteria for development within the allocation and thus forms the basis of determination of this planning application.

This application is an amended scheme submitted after the refusal of application reference 21/01947/F which was refused at Planning Committee in August 2022.

The application site is immediately adjacent to the Holme Next The Sea Conservation Area and is within the AONB.

**Key Issues**

- Principle of Development
- Holme Next The Sea Neighbourhood Plan Allocation Policy
- Impact on the Highway, Access and parking;
- Design, Impact on Form and Character
- Impact upon Neighbour Amenity;
- Effect on AONB;
- Impact on ecology and protected sites;
- Other material considerations

**Recommendation**

**APPROVE**

## **THE APPLICATION**

This application is an amended scheme submitted after the refusal of application reference 21/01947/F which was refused at Planning Committee in August 2022.

Full planning permission is sought for the construction of 5 dwellings on a site currently occupied for agricultural buildings. Access is proposed via Eastgate, with the dwellings proposed as a mix of semi-detached and detached dwellings arranged in a courtyard format imitating the arrangements of a traditional agricultural yard. With a total site area of 0.3ha, the proposed scheme has a density of 16.66ha.

The application site is located on the eastern side of Eastgate with built form to the south, west and north. The site is a short distance along Eastgate which junctions with the A149 to the south. Landscaping is proposed to delineate each unit and provide parking areas and private garden spaces to the sides/rear.

The application site is immediately adjacent to the Holme-next-the-Sea Conservation Area.

The site is allocated land for 5 dwellings under Policy HNTS 15: Site Allocation at Eastgate Barn of the Holme-next-the-Sea Neighbourhood Plan. The policy sets out the criteria for development within the allocation and thus forms the basis of determination of this planning application.

The dwellings are proposed in a traditional courtyard/farmstead arrangement. Plots A&B are effectively 2 storey semi-detached dwellings however are designed with reduced eaves to emulate the proportions of traditional barns. Plots C&D are larger and more domestic in nature, with the proportions of traditional dwellings with a single storey car port link between. Plot E is a smaller bungalow with integrated car port and small feature porch.

Each dwelling is proposed to be finished in traditional stone infill panels and facing brickwork with various elements of detailing.

A boundary hedge/tree line runs along the west boundary of the site adjacent to Eastgate. The majority of this vegetation is proposed to be retained post development.

## **SUPPORTING CASE**

A supporting case was requested however none has been received at the time of writing this report.

## **PLANNING HISTORY**

21/01947/F: Application Refused: 24/08/22 - Change of use from agricultural including the demolition of the existing barn and the replacement with five new dwellings - Eastgate Barns – COMMITTEE DECISION

22/00090/TREECA: Tree Application - No objection: 07/06/22 - Row 1 - sycamore. Fell. Outgrowing location. Replant with a set back hedge. - Eastgate Barn – DELEGATED DECISION

21/00015/PREAPP: INFORMAL - Likely to refuse: 24/09/21 - PRE-APPLICATION ENQUIRY WITH CONSULTATIONS: Full: Principle of residential development for up to 5 dwellings - Eastgate Barn

## RESPONSE TO CONSULTATION

**Parish Council: OBJECT** comments summarised as follows:

- Revisions follow refusal of 21/01947/F in November 2021 and Holme PC have been consulted multiple times throughout the course of this current application
- Submissions are characterised by mistakes and inconsistencies
- The Allocation aims to provide 5 small homes of approximately 80-120 sqm gross internal floor area (GIFA) plus single garage (NDP Policy HNTS15).
- The supporting policy text also indicates that a small degree of flexibility may be needed to accommodate an appropriate mix of dwellings that provides some choice for prospective purchasers
- Houses are intended to be modest permanent dwellings for the community
- The price of properties in this area is inextricably linked to both their size and specification. The development (and the underlying policy objectives) therefore risks failure if the size limitations are not met.
- Size - Plots A&B have a GIFA of 143sqm rather than the 125sqm claimed - the first-floor areas below 1.5m / built into the eaves are useable floorspace and are included in the GIFA calculation. Voids totalling 18sqm at first floor level provide potential for dwellings to be 160sqm
- Site Area and Layout – layout is cramped and internal circulation awkward, access retained along north boundary and covenant restricts site further. Small gardens and tight circulation space combined with inappropriate location of garages/parking arrangements is poor quality design. Objection specifically to the access to land to the east should be restricted to for agricultural/farming purposes only
- Garages and Car Parking – access to detached car port is awkward/cramped, raises concern as to whether this will be used
- Trees – concern raised over inconsistent plan vs arboricultural report table and the details shown, concern that large portions of the existing hedgerow will be removed contrary to policy. Hedge has positive contribution to the street scene/local environment and in relation to biodiversity
- GIRAMS – Habitat Regulations Assessment should be completed

**Highways Authority: OBJECTION** – comments summarised as follows:

- The Local Highway Authority objected to the site in principle at allocation stage of the neighbourhood plan, due to highway safety impacts on the A149
- The proposed development would generate 30 daily vehicle movements which is well in excess of the agricultural use, which is likely to be more seasonal in nature
- At its Junction with A149, visibility to the east is limited by frontage hedging within third party land and to the west by a line of trees and buildings
- Securing visibility splays (on the A149) would require the use of land not within the Applicants control and so is not a viable option
- Visibility at access and junctions is a main contributor to highway safety and any increase in traffic movements through a substandard junction increases the risk of accidents occurring
- The LHA recommended refusal on the basis of substandard visibility splays, intensification of use onto the A149 and lack of safe links for pedestrians to local services

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**Arboricultural Officer: NO OBJECTION** – tree/hedge planting and soft landscaping information should be provided

Natural England: NO OBJECTION GIRAMs fee required to mitigate impacts on Zone of Influence.

**Conservation Officer: NO OBJECTION** referred to improved fenestration of plots C & D.

**Environmental Quality: NO OBJECTION** in regard to air quality or contamination. Recommended contamination conditions.

## **REPRESENTATIONS**

**NINE** letters of **OBJECTION**, comments summarised as follows:

- Housing need is for smaller dwellings, these dwellings remain oversized and will be beyond financial reach of many locals
- Large amount of hardstanding
- Concern over cart shed being retained by developer
- Does not address or satisfy housing need in Holme-next-the-Sea
- Access track shrinks available land for proposed development
- Overdevelopment of site with impact on surroundings and adding nothing to biodiversity
- Plots C&D are larger than existing barn in terms of height and will be prominent
- Lack of turning facilities for larger vehicles on site
- Lack of formal visitor parking facilities
- Impact of sewage/drainage on local system
- Agreement with the Local Highway Authority regarding access safety
- Impact of loss of hedgerow and concern over Ash Tree on the side boundary

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS11** – Transport

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM15** – Environment, Design and Amenity

## **NEIGHBOURHOOD PLAN POLICIES**

**Policy HNTS 1:** Principle of Sustainable Development

**Policy HNTS7:** Natural Capital and Ecosystem Services

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**Policy HNTS15:** Site Allocation at Eastgate Barn

**Policy HNTS18:** Principal Residences

**Policy HNTS20:** AONB Landscape Quality

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2021

## **PLANNING CONSIDERATIONS**

**The main considerations are:**

- Principle of Development
- Holme Next The Sea Neighbourhood Plan Allocation Policy
- Impact on the Highway, Access and parking;
- Design, Impact on Form and Character
- Impact upon Neighbour Amenity;
- Effect on AONB;
- Impact on ecology and protected sites;
- Other material considerations

### **Principle of Development:**

The application site is located on the east side of Eastgate and is known as Eastgate Barn. The site was previously in agricultural use and is occupied by agricultural buildings with areas of hardstanding.

Holme Next-The Sea is categorised as a Smaller Village and Hamlet in CS02 of the Core Strategy (2011) and therefore the entire settlement is considered to be within the Countryside for the purposes of Policy DM2 of the Site Allocations and Development Management Policies Plan (2016). However the site is allocated land within Policy HNTS15 of the Holme-Next-The-Sea Neighbourhood Plan (2021) and development on site is therefore acceptable in principle subject to compliance with the policy discussed below.

The site lies adjacent to the boundary of the Conservation Area and is within the AONB.

### *Previous refused application*

This submission is a revised version of the application refused at Planning Committee last year. The previous application was refused on the following grounds:

- 1 *The proposed residential development by reason of the internal floor space and the dwelling type and the number of bedrooms would be at odds with the Holme next the Sea Neighbourhood Plan. The objective of the housing allocation in the Neighbourhood Plan is to support new homes in the village to on the basis of the localism agenda, local preferences, strengthening the dwindling resident community and restoring balance in the housing stock toward smaller dwellings. Whilst there is a small degree of flexibility to accommodate an appropriate mix of dwellings that provide some choice for prospective purchasers the proposed dwellings are in excess of this flexibility and would represent*

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*an untoward form of development that would be contrary to Policy HNTS15. There are matters which weigh in favour of the proposal, however, these do not outweigh the harm of the increased size of dwellings which is a sustainable form of development for the village. As such, the proposal would conflict with Policy HNTS15: Site Allocation at Eastgate Barn of the Neighbourhood Plan 2016-2036, Policy CS01 and CS06 of the Core Strategy 2011, Site Allocations and Development Management Policies Plan Policy DM3 and the NPPF paragraphs 78 - 79.*

2. *There are trees and a hedgerow within the site which currently contribute to the character and appearance of the street scene and the Holme next the Sea Conservation Area. The trees and hedgerow are in close proximity to the proposed built form and it is not clear that they will be retained following the development of the site. The applicant has failed to support the application with a tree survey to identify the trees and hedgerow and a subsequent arboricultural impact assessment to demonstrate how the trees and hedgerow would not be damaged or influenced by the proposed built form. The application would therefore fail to satisfy criterion d of Neighbourhood Plan Policy HNTS 15, Core Strategy Policies CS08, CS12 and the Site Allocations and Development Management Policies Plan Policies DM2 and DM15.*
- 3 *The application site includes land which is not within Policy HNTS15 Housing Land Allocation. The parcel of land on the eastern side of the application site would therefore represent an encroachment into the countryside with a residential use. It is considered the proposal would change the character of the land and undermine the fringe of the village and the rural character beyond. There is no special justification for the encroachment into the countryside and the development could still be implemented within the allocated area without the change of use. As such the proposed encroachment would put the proposal at odds with Core Strategy Policies CS01, CS06, CS08, CS12 and the Site Allocations and Development Management Policies Plan Policies DM2 and DM15*

The plans were amended prior to submission of this application to reduce the floor area of the larger units and to remove study rooms at first floor which were considered easily convertible into fourth bedrooms (alongside other changes). Full consideration of compliance with the Neighbourhood Plan is discussed below.

In regards to the lack of a tree survey, an Arboricultural Assessment has been provided as part of this application which has not drawn objection from the Borough Council's Arboricultural Officer.

The third reason for refusal was based on a red line area extending out into the countryside. The red line for this current application aligns with the allocated site and does not extend further to the east.

### **Holme Next The Sea Neighbourhood Plan Allocation Policy:**

The application site is allocated for 5 dwellings under Policy HNTS15 of the Holme Next The Sea Neighbourhood Plan. The full policy text is as follows:

*'A single allocation will be made on the site of Eastgate Barn as shown on the map. This will be based on the following:*

- a. *Five small market homes of approximately 80 - 120 m2 gross internal floor area plus single garage, to be accessed from Eastgate*
- b. *Offering a choice of two and three bedrooms arranged as either single or two storey and including a choice of semi-detached and/or terraced properties.*

- c. *Traditional design and materials reflecting the character of the neighbouring, converted agricultural buildings at the Old Dairy and Manor Court and sympathetic to the Conservation Area setting*
- d. *Trees and hedgerows to be retained where possible and supplemented with landscaping incorporating native species*
- e. *Subject to all other policies in the NDP with the specific exception of access arrangements which may be varied to allow for a single point of access in order to reduce the impact on the Conservation Area or to satisfy highways requirements'*

## **Assessment against Policy HNTS15**

### **Criteria A - Five small market homes of approximately 80 - 120 m2 gross internal floor area plus single garage, to be accessed from Eastgate**

Five dwellings are proposed, accessed via an upgraded access point directly to Eastgate which will be shared by all units.

The definition of Gross Internal Floor Area (GIFA) within the Holme Next The Sea Neighbourhood Plan Glossary was changed during the course of this application and now refers specifically to IPMS standards. The following measurements have been taken on that basis.

Plots A & B - GF 76m <sup>2</sup> + FF 45m <sup>2</sup>	= 130m <sup>2</sup>
Plots C & D - GF 65m <sup>2</sup> + FF 55m <sup>2</sup> excluding stairwell 3.2m <sup>2</sup>	= 117m <sup>2</sup>
Plot E - GF 91m <sup>2</sup> + Veranda 9.4m <sup>2</sup>	= 100.4m <sup>2</sup>

The above measurements exclude the following areas in line with the International Property Measurement Standards (IPMS) guidance referred to within the Holme Next The Sea Neighbourhood Plan Glossary:

- Car ports not fully enclosed
- Upper-Level Stairwells
- Voids where the area including the enclosing wall is greater than 0.25m<sup>2</sup>
- Other ground level areas not fully enclosed
- Upper-level voids of an atrium

The measurement also excludes the covered walkway at ground floor between plots A & B as this is shared space not belonging solely to either unit, the walkway is also not fully enclosed and falls outside of the IPMS definition.

The wording of the allocation policy states dwellings should be approx. 80-120sqm plus a single garage. The proposed development is considered to accord with the measurements required, on the basis that flexibility is allowed by virtue of the usage of the word 'approximately' within the policy text. This approach is confirmed in paragraph 17.2.6 of the supporting text within the Neighbourhood Plan.

The application is therefore considered to comply with Criteria A of the allocation policy.

### **Criteria B - Offering a choice of two and three bedrooms arranged as either single or two storey and including a choice of semi-detached and/or terraced properties**

Plots A, B, C & D are each three bedrooms arranged over two storeys. Plot E is proposed as single storey 2-bedroom bungalow. Plots A & B are semi-detached dwellings, Plots C & D are link detached, via attached car port/utility room space, and Plot E is a detached bungalow.

The application is considered to comply with Criteria B of the allocation policy.

**Criteria C - Traditional design and materials reflecting the character of the neighbouring converted agricultural buildings at the Old Dairy and Manor Court and sympathetic to the Conservation Area setting**

The dwellings are proposed in a courtyard format which is broadly reflective of a traditional farmstead layout. The mix of dwellings proposed vary in design, with Plots A & B comprising more barn-like proportions with parapets and areas of glazing mimicking larger openings found on barns in the wider locality and the use of traditional stonework on the front and rear elevations.

Plots C & D are more domestic in character however continue to reflect the dwellings at Manor Court to the west of the site in terms of the use of materials and elements of detailing.

Plot E is smaller scale and is proposed as a simple proportioned bungalow, again with the use of traditional stonework proposed. Elements of the design reflect the character of small agricultural conversions, with timber posts on proposed to detail an integral car port.

The application site is outside of the Conservation Area, the boundary to which runs around the site adjacent to Eastgate. The Conservation Team raise no objections and the proposal would not cause harm to the setting of the Conservation Area. The loss of agricultural buildings of this type is considered to lead to enhancement of the Conservation Area setting, subject to conditions discussed in depth below.

**Criteria D - Trees and hedgerows to be retained where possible and supplemented with landscaping incorporating native species**

The site plan has been amended during the course of this application to indicate that no trees, other than a small row of sycamore tree previously approved for removal under 22/00090/TREECA would be removed to facilitate the proposed development. The Arboricultural Impact Assessment provided with this application shows this group of sycamores (G1a) as Category U.

An Arboricultural Report submitted with this application states that parts of a hedgerow to the west of the site are in need of removal however this is inconsistent with the amended site plan and not been updated to reflect the changes. The Agent has also since confirmed via additional correspondence that this application does not seek to remove any tree nor hedgerow element that has not previously been agreed under 22/00090/TREECA.

It is considered that suitably worded conditions can be used to ensure no parts of the hedgerow are removed until full details of the removals and their replacement are agreed in writing by the LPA. This condition will also allow the infilling of any gaps in the hedgerow to provide for privacy for Plot E.

The Arboricultural Impact Assessment suggests a detailed Method Statement and Protection Plan should be produced in line with the British Standard prior to commencement, and such details could also be conditioned.

The Parish Council have raised concern in regard to the number of trees and parts of hedgerows that are proposed to be removed however the loss of trees and hedgerows has not drawn objection from the Borough Council's Arboricultural Officer, subject to conditions requiring details of replacement planting. The site plan has since been amended.



It is considered that, given the level of information provided to support this application that conditions requiring additional details for parts of hedgerows are capable of retention as well as the type/size of replacement planting are an acceptable means of control. Further hard and soft landscaping conditions will be required to ensure that each plot is sufficiently landscaped, and the parking/turning areas appropriately surfaced.

The Local Planning Authority's standard conditions for landscaping refer to the replacement of any tree/hedge that dies within 5 years of completion of development being replaced with a plant of similar standard. This condition can be appended to any consent to ensure that planting is appropriate for the locality in the longer term.

**Criteria E - Subject to all other policies in the NDP with the specific exception of access arrangements which may be varied to allow for a single point of access in order to reduce the impact on the Conservation Area or to satisfy highways requirements**

The application is considered to comply with the remaining policies of the Holme Neighbourhood Plan, addressed within the text throughout this report.

**Impact on the highway, access and parking:**

Highway safety did not form a reason for refusal of the previous application, where the Applicant provided a Transport Statement which outlined how the additional traffic movements were unlikely to have an adverse impact on the operation or safety of Eastgate or the Eastgate/A149 junction. Notwithstanding the fact that this Transport Statement has not been provided as part of this application, the highway safety impacts have not changed since the determination of this previous application.

Core Strategy Policy CS11 requires new development to reduce the need to travel and promote sustainable forms of transport appropriate to their location. SADMPP Policy DM15 requires that development proposals should demonstrate that safe access can be provided and adequate parking facilities are available. SADMPP DM17 refers to parking provision within new development.

The Neighbourhood Plan has been through a formal adoption process with the Eastgate Barn allocation selected for a proposed housing allocation following a rigorous process of consultation and assessment using the accepted methodology. Whilst the objection from the Highway Authority is noted the concerns stem from the junction with the A149 and not the site itself.

Paragraph 111 of the NPPF states: *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

A significant factor in the determination of this application is that Eastgate is currently being used by existing residents and visitors for access onto the A149 which also serves and connects to Kirkgate from the north.

Therefore, taking into account the land allocation, the existing use of Eastgate and that the access into the site itself is acceptable it is considered it would be difficult to sustain a refusal on the scheme having a severe highway impact on the A149.

Car parking of an appropriate standard for each unit has been provided on site. Whilst one space for Plot B is away from the immediate driveway outside of this unit, the overall impact in terms of convenience for car users is negligible and sufficient space is provided on the site

as a whole to demonstrate accordance with the standard required. Given the requirements of Policy HNTS15 in regards to floor space and the lack of specific visitor parking provided on site, conditions are recommended to ensure that the car ports are not enclosed in order to ensure that parking spaces are retained in accordance with the required standards.

The proposal therefore complies with Policies CS11, DM15 and DM17 insofar as access and parking arrangements.

### **Design, Impact on Form and Character**

The Holme-next-the-Sea Neighbourhood Plan requires design to be of a high quality which takes into account the surrounding locality.

The dwellings are proposed in a traditional courtyard/farmstead arrangement. Plots A&B are effectively 2 storey semi-detached dwellings however are designed with reduced eaves to emulate the proportions of traditional barns. Plots C&D are larger and more domestic in nature, with the proportions of traditional dwellings and a single storey car port link between. Plot E is a smaller bungalow with integrated car port and small feature porch.

In regards to ridge and eaves heights, plots A & B have a total height of 7.5m, 3.5m to eaves. Plots C&D have a total height of 8.1m, 5.1m to eaves – the link in between has a total height of 4.8m. Plot E is single storey with a total height of 5.8m, 2.8m to eaves. The cart shed is 4.6m to ridge.

Each dwelling is proposed with traditional stone infill panels and facing brickwork with various elements of detailing.

The proposed development is considered to accord with the wider locality in regards to design and the use of building materials. Conditions are recommended to ensure full details of materials and a sample panel are provided and agreed.

There are level differences on site versus the adjacent road and wider street scene which are not proposed to be altered. The level differences result in a step up when accessing the site, with the site itself being relatively flat. The higher land levels will result in the houses on site being more prominent, however the layout of the site with Plot E being single storey towards Eastgate will limit any significant visual impact as a result of level differences and provide a transition in building heights.

The application site is immediately adjacent to the Conservation Area. The Holme-next-the-Sea Conservation Area Character Statement makes limited reference to barns on Eastgate however does not that the barns on Eastgate, though outside of the Conservation Area, impinge upon it.

The proposal would result in the removal of a utilitarian agricultural building which detracts from the Conservation Area and the proposed design is considered likely to enhance the setting of the Conservation Area, in line with the NPPF (2021), Policy DM15 of the SADMPP (2016) and Policy HNTS12 of the Neighbourhood Plan.

### **Impact upon Amenity**

It is considered the proposed development would not significantly harm the level of amenity for the properties to the north and west of the site in terms of a reduction in daylight sunlight and the presence of the built form (overbearing). The access road proposed to the north provides a further degree of separation between built form.

To the south of the site there are residential properties which face the site, namely, 1 and 2 The Square. A further property, Redwings (2 Eastgate) is further to the south and as such would not be significantly affected.

Approximately 20.5m is provided between the rear elevation of Plots C & D and the north elevation of the dwellings at The Square. Two un-obscured windows are existing on the north elevation of the neighbouring semis (one serving each property). Whilst a viewpoint between dwellings would be provided, given the existing site conditions, distances and angles, and the location of 'sitting out' areas for these adjoining dwellings to either side of the property (east/west), the proposed distances are considered acceptable in principle.

Internally, separation distances between units are acceptable. Garden sizes vary between plots however it is considered that a suitable level of amenity would be provided for each proposed dwelling. Given the constraints of the site, it is considered that permitted development allowances removing rights for extensions/alterations would be reasonable and necessary to retain a good standard of amenity for future occupiers.

The existing dwelling to the north is at a slightly lower level. Whilst Plots A&B and the proposed detached car port will be visible from the neighbouring dwelling in this direction, given distances of in excess of 8.5m and the divide provided by the proposed agricultural access point, no significant overbearing or overshadowing impacts on this adjoining dwelling are likely.

Ground levels between the site and the dwellings to the south remain similar. As discussed above, Plots C&D are sufficiently distanced from these adjoining dwellings to minimise overbearing impacts on these dwellings.

Plot E, adjacent to Eastgate, will be screened from view from the road by existing hedging which will prevent adverse impacts on properties on the opposite side of Eastgate.

Conditions discussed above relating to the retention and infilling of the boundary hedgerow would provide privacy for the rear curtilage of Plot E.

The proposed development is considered to comply with the NPPF, Policies CS08 and DM15 of the Local Plan and Policy HNTS11 of the Holme-next-the-Sea Neighbourhood Plan.

### **Effect on AONB**

It is considered the proposed built form would represent an enhancement compared to the existing building which occupies the site. Boundary treatments along the east of the site will be conditioned to ensure a suitable soft boundary to minimise the impacts of long views available in that direction from the open countryside. The proposal complies with the aims of the NPPF (2021), Policies CS12 and DM15 of the Local Plan and Policy HNTS20 of the Neighbourhood Plan.

Conditions are recommended to control external lighting in line with Policy HNTS20.

### **Impact on Ecology and Protected Sites**

The GiRAMS fee has been paid as part of this application and a Habitats Regulations Assessment determines that planning permission can be granted. The GiRAMS fee will appropriately mitigate in-combination impacts on protected sites as the site is within the Zone of Influence for sites including the Wash SAC/SPA and the North Norfolk Coast SAC/SPA.

In terms of direct impacts on ecological assets, the application has been supported by an Ecological Assessment comprising an Extended Phase 1 Habitat Survey and building inspection, identifying the site contains a limited range of habitats, consisting of areas of semi-improved grassland, ruderal and ephemeral vegetation, and substantial, species-poor hedgerows. The building footprint would occupy previously built ground, bare earth, and some areas of short ephemeral grassland.

The Ecological Assessment outlines that direct impacts are unlikely, stating that the building has negligible potential for roosting bats within buildings and that other species including reptiles, natterjack toads, badgers, water voles and great crested newts are also unlikely to be on site or impacted by the development. Bird nests were however found within trees and further evidence found within buildings.

Given the limited tree/hedgerow removals deemed to be required to facilitate development, the impacts of birds nesting in trees or buildings is unlikely to be significant – the Ecological Report sets out controls to mitigate this and other legislation exists to further prevent harm.

It is considered the best practice measures advocated in the report are acceptable and afford suitable protection for species.

Ecological enhancements can be provided through the additional planting required via condition. Those enhancements noted within the Ecological Assessment provide sufficient levels to ensure the scheme is consistent with the Local Plan. Such measures can be secured by planning condition.

The development complies with the NPPF (2021), Policy CS12 of the Local Plan and Policies HNTS1, HNTS7 of the Holme-next-the-Sea Neighbourhood Plan in regard to protected species and impacts on protected sites.

### **Other Material Considerations**

*Contamination* As a result of the existing use on site, the Environmental Quality Team have recommended full contamination conditions are appended to approval to ensure no adverse impacts are likely. Comments from the Air Quality team are noted and will be covered at Building Regulations stage.

*Drainage* Conditions are recommended to ensure full details of proposed drainage systems, both foul and surface water, are provided prior to the commencement of development on site.

*Response to Parish Council* The Parish Council raised concern surrounding the retention of an access track to the land to the east, stating that this land should only be utilised for agricultural purposes. This application does not seek any change of use of this land and any future change of use would require planning permission in its own right.

This committee report has been drafted based on Holme Parish Council's most recent comments and floor space is considered in depth above, however it should be noted that throughout the course of this application, Holme-next-the-Sea Parish Council removed their objection based on floor area (in comments dated 26th January) and subsequently reraised concerns on floor area in more recent comments (18th May). The floor space of the dwellings did not change during this time the primary change was the position of buildings within the site to allow additional garden area for plots A&B. Other changes were made to the roof of Plot E but these did not alter the floor space of any unit.

Part of the Parish Council's objections refer to the submission being characterised by mistakes and inconsistencies. When originally submitted, the application was submitted alongside the old version of the planning statement in error – this has since been updated and the most recent planning statement is largely accurate, although there are minor differences in how the floor space has been measured versus the information above. Whilst acknowledging that some issues had been resolved throughout the course of this application, the Parish Council then refer to the newer plans being a step back in terms of consistency and compliance. As noted above, the changes in plans in this round of consultation were minor and it is not considered that any significant mistakes or inconsistencies are present or shown within the plans which will be condition.

*Principal Residences – Policy HNTS18* The Holme-next-the-Sea Neighbourhood Plan includes a principal residence policy which requires new dwellings to be suitably controlled, stating that any new dwelling within the Neighbourhood Plan area should be controlled via planning condition and Section 106 legal agreement to ensure the dwellings are occupied as main or sole residences.

The Planning Practice Guidance (PPG) sets out that legal agreements should only be used where it is not possible to secure the development via planning conditions. In this instance, it is considered that a suitably worded planning condition will adequately control the occupation of each unit and it is not considered reasonable or necessary to replicate this control via a S106 agreement.

## **CONCLUSION**

The proposed development is considered to overcome the previous reasons for refusal.

The application is wholly within the allocated site boundary shown within the Holme-next-the-Sea Neighbourhood Plan and, subject to conditions relating to details of hard and soft landscaping, is considered to comply with the aims of Policy HNTS15.

Whilst comments from the Local Highway Authority regarding the access leading to the A149 are noted, this did not form a reason for refusal of the previous application and the proposed development site has been allocated for this number of houses and the principle is therefore established. The proposed development, subject to standard access/turning area conditions, is considered acceptable on highway safety grounds.

The design of the proposed dwellings imitates houses and barn complexes in the wider locality in line with the requirements of the allocation policy and separation distances are considered acceptable.

Conditions are recommended to ensure suitable tree/hedgerow details are provided prior to any removals on site.

The application complies with the NPPF (2021), Policies CS01, CS08, CS12 of the Core Strategy (2011), Policy DM15 and DM17 of the SADMPP (2016) and Policies HNTS1, HNTS7, HNTS15, HNTS18 and HNTS20 of the Holme-next-the-Sea Neighbourhood Plan.

The application is therefore recommended for approval, subject to the imposition of the conditions below.

## RECOMMENDATION:

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
543-P213 D - Site Plan and Site Sections  
543-P212 B - Plots A&B Floor Plans, Roof Plan and Elevations  
543-P211 C - Plots C&D Floor Plans, Roof Plan and Elevations  
543-P210 C - Plot E Floor Plans, Roof Plan and Elevations  
543-002 - Location Plan
- 2 Reason: For the avoidance of doubt and in the interests of proper planning in accordance with the NPPF.
- 3 Condition: The dwellings hereby approved shall be occupied only as the primary (principal) residence of those persons entitled to occupy it. The occupiers of the dwelling shall be required to provide evidence that they are meeting the requirements of the condition, and shall make this information available at all reasonable times to the Local Planning Authority
- 3 Reason: In order that the development permitted is in accordance with the requirements of the Holme-next-the-Sea Neighbourhood Plan
- 4 Condition: Notwithstanding the details that accompanied this application, no building works, demolition or other operation shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, engineering work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles) until a tree survey showing the following has been submitted to and approved in writing by the Local Planning Authority:
  - a) a plan indicating the location of and allocating a reference number to each existing tree and to each plant within the hedgerow along the west boundary of the site, showing clearly which trees/plants are to be retained and which trees/plants are to be removed;
  - b) details of the species, diameter, approximate height and condition of each aforementioned tree/plant in accordance with the current version of BS:5837; and
  - c) planting plans indicating the size and species of any replacement trees/plants, including the provision of heavy standard native species hedgerows;
- 4 Reason: To ensure that the loss of existing established trees and hedgerows is minimised and that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 5 Condition: No development or other operations shall commence on site until the existing trees and/or hedgerows to be retained as agreed under Condition 4 have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of

fencing for the protection of any retained tree or hedge before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

- 5 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 6 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 6 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 7 Condition: Prior to the first use/occupation of the development hereby permitted, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed boundary treatments finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate. Details shall include the provision of a soft boundary along the east boundary of the site.
- 7 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 8 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alteration of a dwelling house, the enlargement of a dwelling house consisting of an addition or alteration to its roof, or the erection or construction of a porch outside any external door of a dwelling house, shall not be allowed without the granting of specific planning permission.
- 8 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.
- 9 Condition: Prior to the first occupation of the development hereby permitted the vehicular/pedestrian/cyclist access/crossing over the verge shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning

Authority in accordance and thereafter retained and maintained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.

- 9 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with the NPPF (2021).
- 10 Condition: Prior to the first occupation of any dwelling hereby permitted, the proposed on site car parking/turning areas shall be completed in accordance with the agreed details. The parking and turning areas shall be retained and maintained in that position thereafter.
- 10 Reason: In the interests of highway safety in accordance with the principles of the NPPF.
- 11 Condition: Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order (2015), no doors/gates/other means of enclosure shall be installed/erected to enclose the car ports/cart sheds shown on dwg Nos. 543-P211 Revision C and 543-P210 Revision B.
- 11 Reason: To ensure the proposed parking areas are retained available for that specific use in accordance with Policy DM17 of the SADMPP (2016).
- 12 Condition: Notwithstanding the details shown on the approved plans, no development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 12 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 13 Condition: Notwithstanding the details shown on the approved plans, no development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the building(s) and/or extension(s) hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.
- 13 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 14 Condition: Any outdoor lights associated with this proposed development shall be:
  - 1) fully shielded (enclosed in full cut-off flat glass fitments)
  - 2) directed downwards (mounted horizontally to the ground and not tilted upwards)
  - 3) switched on only when needed (no dusk to dawn lamps)
  - 4) white light low-energy lamps (LED, metal halide or fluorescent) and not orange or pink sodium sources



- 14 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF and Policy HNTS20 of the Neighbourhood Plan.
- 15 Condition: No development or other operations shall take place on site until a detailed construction management statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:
- (a) the methods to be used and the measures to be undertaken to control the emission of dust, noise, and vibration from the operation of plant and machinery to be used;
  - (b) the location of any temporary buildings and compound areas;
  - (c) the location of parking areas for construction and other vehicles;
  - (d) the measures to be used to prevent the deposit of mud and other deleterious material on the public highway; and,
  - (e) a scheme for the management and signage of all construction traffic.

The development shall be carried out in accordance with the approved construction management statement throughout the construction period.

- 15 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 16 Condition: No development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 16 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

- 17 Condition: Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - \* human health,
    - \* property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - \* adjoining land,
    - \* groundwaters and surface waters,
    - \* ecological systems,
    - \* archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's Land Contamination Risk Management (LCRM).

- 17 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 18 Condition: Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 18 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 19 Condition: The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

- 19 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 20 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 17, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 18, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 19.

- 20 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.